THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.9578 of 2006

Dated:19-06-2006

Between:

V. Madanmohan Rao.

..... PETITIONER

AND

The District Collector, Nizamabad District,

and two others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.9578 of 2006

ORDER:

The petitioner is aggrieved by the proceedings of the Mandal Revenue Officer dated 17-04-2006, whereby and whereunder, orders were passed for collecting the requisite stamp duty to implement the name of the third respondent in respect of the land in survey No.697/2 admeasuring Acs.3.00 situated at Kamareddy Mandal in Nizamabad District in record of rights.

It is the case of the petitioner that his father was the absolute owner of the land admeasuring Acs.6.26 guntas in survey No.697/2 and Mulka Rajaiah, Mulka Gouraiah and Mulka Hanumaiah were owners of the land in survey No.696. After death of his father i.e., Mulka Gouraiah, the third respondent succeeded to 1/3rd share of the land in survey No.696. It appears that petitioner's father and those three persons exchanged their lands about sixty five years ago. As a result of such

exchange, those three persons gave Acs.4.03 guntas in survey No.696 to petitioner's father in exchange to land admeasuring Acs.4.04 guntas in survey No.697/2. Petitioner, therefore, claims absolute right to the land admeasuring Acs.4.03 guntas in survey No.696 and admeasuring Acs.2.22 guntas in survey No.697/2. Petitioner's father filed suit being O.S.No.102 of 1991 for declaration of title and for possession in respect of the land covered by exchange in survey No.696 and the same was decreed on 23-07-1992 declaring the petitioner's father as the absolute owner of the said land. After obtaining the decree, petitioner's father filed an application for implementing the decree, in vain. At that stage, the legal heirs of Mulka Gouraiah filed O.S.No.104 of 1991 (renumbered as O.S.No.17 of 2003) for cancellation of the decree in O.S.No.102 of 1991, partition and separate possession, which was dismissed on 31-01-2005. In spite of the same, it is alleged that the third respondent made a representation to the first respondent for mutation of his name in the revenue records in respect of the land in survey No.697/2. The District Collector, by communications dated 12-01-2006 and 13-04-2006 appears to have directed the Mandal Revenue Officer to collect the requisite stamp duty from the third respondent and implement the decree in O.S.No.102 of 1991, as a result of which the impugned proceedings were issued.

Heard the learned counsel for the petitioner, learned Assistant Government Pleader for Revenue (General) for respondents 1 and 2 and Sri S. Pandari, learned counsel for the third respondent/caveator.

With the assistance of the learned counsel for the petitioner, this Court has gone through the judgment and decree dated 23-07-1992 in O.S.No.102 of 1991 on the file of the Court of the District Munsif, Kamareddy, judgment decree dated 31-01-2005 in O.S.No.17 of 2003 on the file of the Senior Civil Judge, Kamareddy, and other relevant documents. *Prima facie,* the submission of the learned counsel for the petitioner that under these decrees, it is the petitioner, as the legal heir of V. Janardhan Rao, who got title appears to be correct. However, it is brought to the notice of this Court that some of the villagers have filed a representation before the Joint Collector on 01-05-2006 alleging that the Mandal Revenue Officer without verifying the revenue records and following the procedure issued pattadar pass books in favour Mulka Rajaiah and others. Considering the same, the Joint Collector, Nizamabad, took up *suo motu* revision under Rule 24 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989. While suspending the proceedings of the Mandal Revenue Officer dated
17-04-2006 (impugned herein), the Joint Collector, ordered notice on all the persons concerned including the petitioner and the third respondent. In this background, if any opinion is expressed regarding the right of the petitioner to get the decree dated 23-07-1992 in O.S.No.102 of 1991 implemented in his favour, the same would cause prejudice to others. Therefore, this Court refrains from expressing any opinion. The petitioner and the third respondent are at liberty to approach the Joint Collector and seek redressal regarding their respective rights. It shall be open to the petitioner to place the copies of the judgment and decrees in O.S.No.102 of 1991 and O.S.No.17 of 2003, which went in his favour.

As the matter is covered by the judgments of the Civil Court, it would be in the

interests of the parties to direct the Joint Collector to dispose of the *suo motu* revision in proceedings No.D2/4082/2005-1 within a period of three months from the date of receipt of a copy of this order.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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V.V.S.RAO, J

19th June, 2006

ghn